

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

Meeting of the Commission
April 27, 2011
10:00 a.m.

James R. Thompson Center
Murdock Room - IDHS
Suite 5-300
100 West Randolph Street
Chicago, IL 60601

and

Lincoln Land Training Center
(Capital City Center)
130 W. Mason, Room 104
Springfield, Illinois 62702

MINUTES

PRESENT:

Commissioners

In Chicago

Martin R. Castro, Chairman
Sakhawat Hussain, M.D.
David Chang
Robert A. Cantone
Robert Enriquez
Nabi Fakroddin
Spencer Leak, Sr.
Munir Muhammad
Rozanne Ronen
Diane M. Viverito

In Springfield

Marti Baricevic

Absent

Marylee V. Freeman
Terry Cosgrove

Staff

Reva Bauch
Dr. Ewa I. Ewa
Michael J. Evans
Harriet Parker
Donyelle L. Gray
Evelio Mora
Christine Welninski
LaNade Bridges
Carol Comrie (Coles Fellow)
Alexia Whitaker (Coles Fellow)

Members of Public:

None

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NOTICE:

Public meetings and closed meetings of the Illinois Human Rights Commission are audio recorded.

I. Call to Order

On April 27, 2011, at 10:00 a.m., Chairman Martin R. Castro called to order a meeting of the Illinois Human Rights Commission.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

- 1) A quorum of the public body was present at the meeting without the presence of Commissioners Freeman, Cosgrove, Hussain, and Viverito, and without the physical presence of Commissioner Muhammad.
- 2) Prior to the meeting, Commissioners Freeman and Cosgrove gave notice (and good cause as defined by the Illinois Open Meetings Act) to the General Counsel and Secretary of the Public Body, Harriet Parker, that they would be unable to attend today's meeting.
- 3) Prior to the meeting Commissioner Muhammad requested to participate via telephone. The Commission voted to allow Commissioner Muhammad to participate in the meeting via telephone. Motion made by Commissioner Enriquez and seconded by Commissioner Nabi. Motion carried 8-0.
- 4) Commissioners Hussain and Viverito arrived shortly after the approval of the minutes.

II. Consideration of Minutes

March 23, 2011

The Commission voted to approve the minutes of the March 23, 2011, meeting as submitted by staff. Motion to approve the minutes made by Commissioner Leak and seconded by Commissioner Ronen. Motion carried 9-0.

Chairman Castro announced the appointment of two new Commissioners, Terry Cosgrove and Robert A. Cantone. Commissioner Cosgrove was not present for the April 27, 2011, meeting. The Commission welcomed Commissioner Cantone and Commissioner Cantone introduced himself to the Commissioners and to the staff.

III. Staff Reports

A. N. Keith Chambers, Executive Director

Executive Director Chambers stated that he has been working with Dr. Ewa on the budget for FY 2012 and on personnel matters. Debra Lowe's support staff position in the Springfield Office is being replaced. Ms. Lowe is currently receiving Blind Services from the Illinois Department of Human Services. Mr. Chambers reported that the Administrative Law Judges' appeal of the appellate court ruling which precludes them from joining the union is still pending.

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Mr. Chambers stated there has been no changes in the 14 legislative bills of special interest to the Commission which he previously shared with the Commission. Mr. Chambers submitted to the Commissioners a draft of a consolidated report of Commission case statistics. The Commissioners reviewed the draft and gave Mr. Chambers suggestions regarding revisions.

B. Dr. Ewa I. Ewa, Chief Fiscal Officer

Dr. Ewa reported the Commission is currently interviewing individuals to replace Debra Lowe. Dr. Ewa shared that the Appropriations Committee of Illinois General Assembly has requested all Human Services Agencies reduce their FY12 budget by 6.5 percent. Shortly after this request all agencies were requested to reduce their budgets by an additional 1%. These reductions will result in the Commission losing the two staff positions the Commission had hoped to fill. Currently, the FY 2011 Commission budget is running a deficit. Dr. Ewa's request for an increase in the Commission's FY 2011 budget to cover the shortfall is still pending.

In response to Chairman Castro's question regarding how the allocated \$100,000.00 for provision of fair housing cases impacts the current shortfall in our budget, Dr. Ewa stated the Department of Human Rights ("DHR") has asked the Commission to stop spending the \$100,000.00 that is allocated to the Commission for its work on fair housing cases. The DHR reportedly calculates the Commission's \$100,000.00 fair housing allocation into its own budget and the Commission's use of these funds negatively impacts the DHR's budget.

Chairman Castro stated the Commission should continue to quantify the work performed by the Commission on fair housing cases. When the memorandum of agreement for these funds is renegotiated, the Commission will have data to quantify its work in the fair housing area. Dr. Ewa shared that he has recently received nine additional fair housing cases processed by the Commission.

C. Michael J. Evans, Chief Administrative Law Judge

Chief ALJ Michael Evans reported that the number of complaints from the DHR has not increased. Judge Evans acknowledged Administrative Law Judge William Borah, who recently presented a lecture on retaliation at the Annual Employment Law Update offered by the Illinois Institute for Continuing Legal Education.

D. Harriet J. Parker, General Counsel

General Counsel Parker reminded the Commissioners that the deadline for filing Statements of Economic Interest is May 2, 2011.

Ms. Parker reported that Coles Fellows Carol Comrie and Alexia Whitker were completing their fellowships with the Commission on April 27, 2011, and April 28, 2011, respectively, and that the staff of the Commission had sponsored a breakfast in honor of the two Coles Fellows and had presented each student with well wishes, cards, and Certificates of Appreciation signed by the Governor. Ms. Parker further announced that six new Coles Fellows have been selected for the Summer of 2011. The resumes of the selected candidates were included in the Commissioners' En banc packets.

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Ms. Parker briefly discussed the current status of the Illinois Torture Inquiry and Relief Commission as provided in the published minutes of the last two Torture Inquiry and Relief Commission Meetings. Ms. Parker reported on the LULAC National Women's Conference and the workshop presented at that Conference on Human Trafficking. Ms. Parker shared workshop material with the Commissioners.

Ms. Parker reported on the status of House Bill ("HB") 1552, which would amend the Illinois Human Rights Act to require the DHR, in areas of law in which the DHR and the Equal Employment Opportunity Commission ("EEOC") have concurrent jurisdiction (such as race, color, religion, sex, national origin, ancestry, age ,mental and physical disability, sexual harassment, and retaliation), to adopt the determination of the Equal Employment Opportunity Commission. Ms. Parker believes HB 1552 will most likely pass into law.

Chairman Castro suggested the Commission's Legislative Committee meet in order to consider HB 1552, and report at the next En banc meeting, the background of HB 1552, how this bill will impact the Commission, and an opinion regarding what position the Commission should take on HB 1552.

IV. Unfinished Business

In response to an inquiry regarding outside employment of ALJs, Chairman Castro suggested the Personnel Committee convene a meeting to consider this issue and report back to the En banc.

V. New Business

Commissioner Leak Addressed the Assembly

Commissioner Leak voiced his concerns regarding what he believes to be bias in the DHR investigation process especially as it relates to Black people. Commissioner Leak referenced two matters recently reviewed by his Panel as examples of this bias. Commissioner Leak suggested the Commission request demographic statistics from the DHR including percentage of cases dismissed by protected classification. In response to an inquiry Mr. Chambers stated he does not know whether the DHR keeps statistics based upon percentage of cases dismissed based upon protected classification. Currently, the Commission does not keep such statistics.

Chairman Castro suggested the Commission schedule trainings to remain current on the requirements of the Act including how the DHR investigates a charge of discrimination. Commissioner Hussain suggested periodic 15-30 minute trainings after the En banc meetings on various facets of the Act, and on DHR charge and investigation procedures. It was suggested the Commission invite the DHR to make a presentation to the Commission regarding the process of DHR investigations. Mr. Chambers volunteered to contact the DHR to arrange such a training for the Commissioners.

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VI. Executive Session

Executive Session

Pursuant to the Open Meetings Act (5 ILCS 120/2(c)(21), the Commissioners voted to close a portion of the public meeting at 11:36 a.m., for semi-annual review of closed minutes. Motion made by Commissioner Hussain, seconded by Commissioner Nabi. Motion carried 11-0.

At 11:40 a.m., the open meeting resumed.

The Commission voted to keep the closed minutes of August 9, 2010 sealed. Motion made by Commissioner Hussain, seconded by Commissioner Nabi. Motion carried 11-0.

VII. Adjournment

The meeting was adjourned at 11:44 a.m. Motion made by Commissioner Hussain, seconded by Commissioner Nabi. Motion carried 11-0.

Respectfully submitted,

Harriet Parker
General Counsel